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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,202	07/18/2001	Paul Scheurer	434100.9	1344

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EXAMINER

NGUYEN, JOHN QUOC

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/831,202

Applicant(s)

SCHEURER, PAUL

Examiner

John Q. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004 and 06 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-24, 26, 27 and 29-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-24, 26, 27 and 29-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/08/2003</u> | 6) <input type="checkbox"/> Other: _____ |

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Applicant's election without traverse of species I, figs. 1-3 in Paper No. 9 has been acknowledged. Election was made **without** traverse in Paper No. 9.

Claims 1-10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For clarity and/or definiteness, it appears that "conveyor" (claim 20, lines 7 and 9) should be —conveying belt—,

All claims should be revised carefully to correct all other deficiencies similar to the ones noted above.

Claims 20-22, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in view of Weiss et al (US 4386741).

Applicant's admitted prior art is discussed on pages 1-3 of the specification, especially JP '125, discloses substantially all the claimed features including a preparatory machine, combing machines, and conveying belts operated step by step. JP '8184 further discloses a similar apparatus having a trough plate in connection with a rotating and lifting device for rotating the wound rolls 90 degrees before the rolls are grasped by the conveying system. It would have been obvious to a person having ordinary skill in the art to provide the JP '125 apparatus with a trough plate as taught by JP '8184 to rotate the rolls to the desired orientation and lift the rolls to the desired position before the rolls are handled by the conveying belts. It is deemed that the conveying belts of JP '125 are driven in a stepwise manner so that the rolls are compiled step by step or, alternatively, to drive the conveying belts in a stepwise manner, which is old and well known as shown by Weiss et al, would have been

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obvious to a person having ordinary skill in the art to obtain a desired spacing of the rolls on the conveying belts or to deliver the rolls in a desired time sequence.

Claims 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in view of Weiss et al (US 4386741) as applied to claims 20-22 and 30 above, and further in view of Lindstaedt (US 3695539).

Lindstaedt discloses another similar apparatus in which the rolls/laps are lifted for the rotating process. It would have been obvious to a person having ordinary skill in the art to alternatively lift the rolls of the admitted prior art apparatus for the rotating process as taught by Lindstaedt.

Claims 24, 27, 29, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in view of Weiss et al (US 4386741) as applied to claims 20-22 and 30 above, and further in view of Boehm (US 2735538).

Boehm discloses a rotating apparatus for moving rolls and having two receivers facing in the opposite direction; it would have been obvious to a person having ordinary skill in the art that the inclined ramp 62 would not be needed if the rolls being delivered to the apparatus were at the same level as the apparatus. The limitations of claim 27 are deemed inherent since all the structures are met or, alternatively, such distance would have been within the level of one of ordinary skill in the art and would have been determined through routine engineering experimentation and optimization. The non-slip layer is deemed inherent since the rolls clearly do not slip from the apparatus.

Claims 26 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in view of Weiss et al and Boehm as applied to claims 24, 27, 29, 31 above, and further in view of JP 61-145082.

The JP reference discloses another similar apparatus in which the shaft 27 is provided with a lifting device for raising and lowering said shaft. It would have been obvious to a person having ordinary skill in the art to provide the apparatus of the admitted prior art modified as above with a lifting device as taught by JP '082 to raise and lower the shaft such as to clear the conveyor.

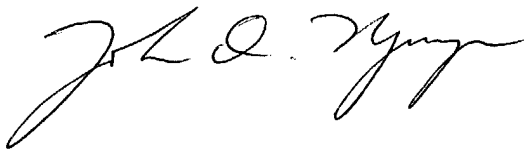
Applicant's arguments with respect to claims 20, 21, and 24 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Q. Nguyen whose telephone number is (703) 308-2689. The examiner can normally be reached on Monday-Friday from 6:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki, can be reached on (703) 308-2688. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177.

A handwritten signature in black ink, appearing to read "John Q. Nguyen". The signature is fluid and cursive, with the first name "John" and last name "Nguyen" being clearly legible, and "Q." in the middle.

John Q. Nguyen
Primary Examiner
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